



ATTENTION

Probate cases on this calendar are currently under review by the probate examiners. Review of some probate cases may not be completed and therefore have not been posted.

If your probate case has not been posted please check back again later.

Thank you for your patience.

Chester Beeler DOD: 12/29/09		FRANCES BEELER ALBERS, Beneficiary, is Petitioner.	NEEDS/PROBLEMS/ COMMENTS:
Mary Lorene Beeler DOD: 4/2/10			
		Petitioner states the Chester & Lorene Beeler Trust was created 4/12/07. CHESTER PORTER BEELER and GAIL BROWN were designated as the initial co-trustees pursuant to the Third Amendment dated 7/3/08.	<u>SEE PAGE 2</u>
	Aff.Sub.Wit.	As a result of the resignation of Gail Brown, a vacancy has developed in the office of trustee. No provision was made in said trust for the appointment of a successor trustee.	
✓	Verified		
	Inventory	The sole asset of the trust is an Installment Note (interest included) dated 8/27/07 in the face amount of \$171,000.00 executed by Bentotage Premaial Desilva and Damayanthi Desilva, which is secured by a Deed of Trust and Assignment of Rents recorded e9/7/07 in Fresno County Records as Document No. 2007-0167311. The unpaid balance as of 6/20/15 is \$158,381.87	
	PTC		
	Not.Cred.	The Third Amendment to the Trust does not provide for the appointment of a successor trustee. Petitioner as income beneficiary requests that the Court appoint MATT BICKEL , a licensed California fiduciary, as Successor Trustee (consent attached) with bond of \$160,000.00 due to the vacancy.	
✓	Notice of Hrg		
✓	Aff.Mail	Petitioner states the beneficiaries entitled to notice of this petition are Anna B. Hinley, Elizabeth Beeler Rogers, Gail Brown, Frances Albers, and West Park Baptist Church.	
	Aff.Pub.		
	Sp.Ntc.	Petitioner requests that: 1. The Court appoint Matt Bickel as Successor Trustee of the Chester & Lorene Beeler Living Trust dated 4/12/07; 2. The Court order that a bond of \$160,000.00 be obtained by the Successor Trustee with a receipt to be filed; and 3. The Court make all further and proper orders that the Court may deem necessary.	
	Pers.Serv.		
	Conf. Screen	<u>SEE ADDITIONAL PAGES</u>	
	Letters		
	Duties/Supp		
	Objections		
	Video Receipt		
	CI Report		
	9202		
✓	Order		
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
	FTB Notice		

Reviewed by: skc

Reviewed on: 8/27/15

Updates:

Recommendation:

File 1 – Beeler

Attorney Bagdasarian's declaration filed 8/26/15 states Gail Brown is the current trustee, and was formerly represented by Attorney Gregory Roberts. It is alleged that Gail Brown has failed to continue to administer the trust and was contacted through her counsel to resign as trustee. Mr. Roberts indicated that he would recommend same to Ms. Brown. However, on further contact with Mr. Roberts, he indicates that he has not been able to contact Ms. Brown to determine her willingness to resign and obtain the resignation on her behalf.

Mr. Bagdasarian indicates that it is imperative that a trustee be appointed to continue to administer the trust, including the collection of payments under a promissory note and the payment of fiduciary income taxes. Therefore, request is made that Matt Bickel be appointed as Successor Trustee with bond of \$160,000.00.

NEEDS/PROBLEMS/COMMENTS:

- 1.
2. **Petitioner states the resignation of Gail Brown is attached as Exhibit C; however, no Exhibit C is attached. Mr. Bagdasarian's later declaration indicates that there may not be a signed resignation. Need clarification.**
- 3.
4. **On 9/24/13, this Court granted Trustee Gail Brown's Petition for Settlement of her Second and Final Account and Report, which included final distribution of various trust assets, including the subject Installment Note as follows:**
 - To Elizabeth Beeler Rogers and John H. Beeler, 5.625% each or 11.25%
 - To Anna B. Hinley and Frances Beeler Albers (Petitioner), 18.0% each or 36.0%
 - To Fresno Rescue Mission 52.75%

This petition does not address that Order or allege whether any distribution occurred thereto, including distribution of the subject Installment Note or any of the other assets. Need clarification. Were the other assets distributed pursuant to the Order, leaving only this Installment Note as an asset of the trust? If so, why?

5. **Petitioner lists five parties entitled to notice as "income beneficiaries" at Paragraph 7, but does not include certain parties to whom shares of the subject Installment Note were *distributed* pursuant to the 9/24/13 order, namely, John H. Beeler and Fresno Rescue Mission.**

Further, this list should include each person entitled to notice of proceedings regarding the trust pursuant to Probate Code §17201, which based on the above details, may include more than just the five income beneficiaries of this particular trust asset.

Therefore, need complete list of persons entitled to notice of these proceedings. Continuance may be required for notice to those entitled thereto.

6. **Petitioner requests appointment of a successor trustee, but does not appear to request removal of the current trustee or provide grounds for removal pursuant to Probate Code §15642. Need clarification. At this point, there does not appear to be a vacancy, since no resignation has been filed. If granted, the Court may require a revised order including removal of Ms. Brown as trustee.**

Atty Kruthers, Heather (for Public Administrator – Petitioner)
 Atty Armo, Lance E. (for Joseph Balagno – Beneficiary)
 Atty Gromis, David Paul (for Nicholas Kovacevich – Former Trustee)
 Atty Johnson, Summer (for Mary Pond – Respondent)

First and Final Account and Report of Successor Trustee; Petition for Allowance of Compensation to Successor Trustee and her Attorney; and for Distribution

		FRESNO COUNTY PUBLIC ADMINISTRATOR , Successor Trustee, is Petitioner.	NEEDS/PROBLEMS/COMMENTS: Note: Status Report of Counsel for Mary Pond and Request for Continuance of Hearing on First and Final Account was filed 7/27/15. Attorney Summer Johnson states after review of the accounting, several items came to her attention for which answers were not easily obtained. The status report requested additional time to discuss and resolve the issues in lieu of filing an objection. Minute Order 7/28/15: Parties request and agree to preliminary distribution to each of the four beneficiaries in the amount of \$50,000.00. Note: Order After Hearing Authorizing Preliminary Distribution was entered 7/29/15. Note: Order Re Attorney's Fees and Costs was entered 8/10/15 and mailed to attorneys David Gromis, Lance Armo, and Heather Kruthers. (It does not appear that attorney Summer Johnson, who represents Ms. Pond, was included in this mailing.) Note: The amounts authorized in the 8/10/15 Order do not appear to exceed the \$25,000.00 reserved for this purpose in this petition. <ol style="list-style-type: none"> 1. Need receipts for the preliminary distribution from Linda Sue Balagno, Lori Jo Brown, Joseph Dale Balagno, and Mary Pond. 2. Given the preliminary distribution, need recalculation of final distribution and revised order.
		Account period: 10/15/13 – 5/27/15	
Cont. from 072815		Accounting: \$560,600.75	
Aff.Sub.Wit.		Beginning POH: \$516,776.66	
✓	Verified	Ending POH: \$503,035.65	
Inventory		(\$464,108.72 cash plus personal property)	
PTC		Successor Trustee (Statutory): \$14,129.06	
Not.Cred.		Successor Trustee (Extraordinary): \$248.00 (preparation, filing tax returns)	
✓	Notice of Hrg	Bond fee: \$2,102.27	
✓	Aff.Mail	Costs: \$141.50 (to pay to Fresno Superior Court for certified copies)	
Aff.Pub.		Reserve: \$400.00 (for payment of any tax preparation after date of this account)	
Sp.Ntc.		Reserve: \$25,000.00 (pursuant to settlement agreement, for fees that may be awarded to the former trustee and his attorney)	
Pers.Serv.		Petitioner states the children and longtime girlfriend of Dale W. Balagno entered into a settlement agreement regarding distribution of assets as follows:	
Conf. Screen		Linda Sue Balagno: \$101,880.95 cash plus Bersa handgun, 2005 Ford Mustang, 1965 Chevy Pickup, and 1985 Harley Davidson	
Letters		Lori Jo Brown: \$101,880.96 cash plus Colt pistol, Smith & Wesson handgun, 2002 Harley Davidson	
Duties/Supp		Joseph Dale Balagno: \$101,880.96 cash plus Beretta handgun, Smith & Wesson handgun, .80 round of ammunition, .25 rounds of ammunition, Yellow ring with stones, Peugeot watch, Harley Davidson watch, Geneva watch, 2005 Harley Davidson	
Objections		Mary Pond: \$101,880.96 cash	
Video Receipt			
CI Report			
9202			
✓	Order		
Aff. Posting			
Status Rpt			
UCCJEA			
Citation			
FTB Notice			

Reviewed by: skc
Reviewed on: 8/27/15
Updates:
Recommendation:
File 6 – Balagno

Status RE: Receipt for Blocked Account

		<p>TIFFANY-LIN DIRECTO, Mother, was appointed Guardian of the Estate on 6/16/15 without bond, funds to be placed into a blocked account.</p> <p>At the hearing on 6/16/15, the Court set this status hearing for the filing of the receipt for blocked account.</p> <p>Status Report filed 7/9/15 states funds have not yet been received from either of the two insurance companies (METLIFE and BANNER LIFE). Counsel is informed that it will be a minimum of 7-10 business days before the claims are acted upon and proceeds disbursed. Therefore, Mr. Willoughby requests continuance of 30 days.</p> <p>On 8/18/15, a receipt was filed indicating that funds had been received from Banner Life Insurance Company and placed into a blocked account at EECU.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>1. Need receipt for deposit of additional funds from Metlife or written status report pursuant to Local Rule 7.5.</p>
Cont. from 071415			
Aff.Sub.Wit.			
Verified			
Inventory			
PTC			
Not.Cred.			
Notice of Hrg			
Aff.Mail			
Aff.Pub.			
Sp.Ntc.			
Pers.Serv.			
Conf. Screen			
Letters			
Duties/Supp			
Objections			
Video Receipt			
CI Report			
9202			
Order			
Aff. Posting			
Status Rpt			
UCCJEA			
Citation			
FTB Notice			
		<p>Reviewed by: skc</p> <p>Reviewed on: 8/27/15</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 12 - Directo</p>	

Attorney

Willoughby, Hugh W. (for Tiffany-Lin Directo – Mother – Guardian)

Status RE: Receipt for Blocked Account

		<p>TIFFANY-LIN DIRECTO, Mother, was appointed Guardian of the Estate on 6/16/15 without bond, funds to be placed into a blocked account.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>1. Need receipt for deposit of additional funds from Metlife or written status report pursuant to Local Rule 7.5.</p>
		<p>At the hearing on 6/16/15, the Court set this status hearing for the filing of the receipt for blocked account.</p>	
Cont. from 071415		<p>Status Report filed 7/9/15 states funds have not yet been received from either of the two insurance companies (METLIFE and BANNER LIFE). Counsel is informed that it will be a minimum of 7-10 business days before the claims are acted upon and proceeds disbursed. Therefore, Mr. Willoughby requests continuance of 30 days.</p>	
Aff.Sub.Wit.			
Verified		<p>On 8/18/15, a receipt was filed indicating that funds had been received from Banner Life Insurance Company and placed into a blocked account at EECU.</p>	
Inventory			
PTC			
Not.Cred.			
Notice of Hrg			
Aff.Mail			
Aff.Pub.			
Sp.Ntc.			
Pers.Serv.			
Conf. Screen			
Letters			
Duties/Supp			
Objections			
Video Receipt			
CI Report			
9202			
Order			
Aff. Posting			
Status Rpt			
UCCJEA			
Citation			
FTB Notice			
		<p>Reviewed by: skc</p>	
		<p>Reviewed on: 8/27/15</p>	
		<p>Updates:</p>	
		<p>Recommendation:</p>	
		<p>File 13 - Directo</p>	

DOD: 2/11/15		RUBEN FRAUSTO, JR., and JENNIFER LUNA, Son and Daughter, are Petitioners and request that RICHARD T. WHEELER be appointed Administrator with Full IAEA without bond. Petitioners are the sole heirs and waive bond. Full IAEA – ok Decedent died intestate Residence: Fresno Publication: Fresno Bee Estimated value of estate: Personal property: \$22,000.00 Real property: \$156,335.00, encumbered for \$110,580.00 Probate Referee: Steven Diebert	NEEDS/PROBLEMS/COMMENTS: <u>Note:</u> The Court will set status hearings as follows: <ul style="list-style-type: none"> Tuesday, February 2, 2016 for the filing of the Inventory and Appraisal Tuesday, November 14, 2016 for the filing of the first account or petition for final distribution If the proper items are on file pursuant to Local Rule 7.5, the status hearings may come off calendar.	
Cont. from 072815				
<input type="checkbox"/>	Aff.Sub.Wit.			
<input checked="" type="checkbox"/>	Verified			
<input type="checkbox"/>	Inventory			
<input type="checkbox"/>	PTC			
<input type="checkbox"/>	Not.Cred.			
<input checked="" type="checkbox"/>	Notice of Hrg			
<input checked="" type="checkbox"/>	Aff.Mail			w
<input checked="" type="checkbox"/>	Aff.Pub.			
<input type="checkbox"/>	Sp.Ntc.			
<input type="checkbox"/>	Pers.Serv.			
<input type="checkbox"/>	Conf. Screen			
<input checked="" type="checkbox"/>	Letters			
<input type="checkbox"/>	Duties/Supp			
<input type="checkbox"/>	Objections			
<input type="checkbox"/>	Video Receipt			
<input type="checkbox"/>	CI Report			
<input type="checkbox"/>	9202			
<input checked="" type="checkbox"/>	Order			
<input type="checkbox"/>	Aff. Posting			
<input type="checkbox"/>	Status Rpt			
<input type="checkbox"/>	UCCJEA			
<input type="checkbox"/>	Citation			
<input type="checkbox"/>	FTB Notice			
			Reviewed by: skc	
			Reviewed on: 8/27/15	
			Updates:	
			Recommendation: SUBMITTED	
			File 18 – Frausto	

Second and Final Report of Administration of Estate by LaVerne T. Coelho as Executor, and Petition for Final Distribution on waiver of Account, and Waiver of Compensation of Personal Representative and Attorney

DOD: 4/7/96		<p>NEEDS/PROBLEMS/COMMENTS:</p> <p style="text-align: center;"><u>OFF CALENDAR</u></p> <p>Order signed 8/27/15. See Minute Order of 8/18/15.</p>
Cont. from 071415, 081815		
<input type="checkbox"/>	Aff.Sub.Wit.	
<input checked="" type="checkbox"/>	Verified	
<input checked="" type="checkbox"/>	Inventory	
<input checked="" type="checkbox"/>	PTC	
<input checked="" type="checkbox"/>	Not.Cred.	
<input checked="" type="checkbox"/>	Notice of Hrg	
<input checked="" type="checkbox"/>	Aff.Mail	
<input type="checkbox"/>	Aff.Pub.	
<input type="checkbox"/>	Sp.Ntc.	
<input type="checkbox"/>	Pers.Serv.	
<input type="checkbox"/>	Conf. Screen	
<input checked="" type="checkbox"/>	Letters	
<input type="checkbox"/>	Duties/Supp	
<input type="checkbox"/>	Objections	
<input type="checkbox"/>	Video Receipt	
<input type="checkbox"/>	CI Report	
<input checked="" type="checkbox"/>	9202	
<input checked="" type="checkbox"/>	Order	
<input type="checkbox"/>	Aff. Posting	
<input type="checkbox"/>	Status Rpt	
<input type="checkbox"/>	UCCJEA	
<input type="checkbox"/>	Citation	
<input checked="" type="checkbox"/>	FTB Notice	
		<p>Reviewed by: skc</p> <p>Reviewed on: 8/27/15</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 24 - Coelho</p>